

In the Response, applicants indicated that WO 00/52230 of which Kyle is an inventor is not prior art. As indicated therein, Kyle was published on September 8, 2000, however, since the present application is claiming priority of the Japanese application under 35 U.S.C. §119 the effective filing date of the present application is December 28, 1999, which is prior to the publication of Kyle.

Case law has held that a U. S. Patent Application is entitled to the benefit of the foreign filing date under 35 U.S.C. §119 if the foreign patent application meets the requirement of 35 U.S.C. §112, first paragraph Yasuko Kawai v. Mellesics, 480 F2d. 880, 885-889 178 USPQ 158, 162-165 (CCPA 1973). As shown in the table hereinbelow, adequate support is found in the Japanese patent application for the claimed subject matter. In the table, reference is made to the certified translation of the Japanese foreign patent application being filed concurrently herewith.

CLAIMS IN U.S.S.N. 09/737,391	SUPPORT IN JP 11-374487 *
1	Paragraph 19
2	Claim 2, Paragraph 32
3	Paragraph 20
4	Claim 5, Paragraph 42
5	Claim 6, Paragraph 46
6	Claim 7, Paragraphs 23, 24 and 25
7	Claim 8, Paragraph 53
8	Claim 9
9	Claim 10, Paragraph 59

10	Claim 15
11	Claim 17, Paragraph 87
12	Paragraph 100
13	Claims 1, 3, 4, Paragraphs 19-22, 36
14	Claim 5, Paragraph 42
15	Claim 6, Paragraph 46,
16	Claim 7, Paragraphs 23, 24 and 25
17	Claim 8, Paragraph 53
18	Claim 9
19	Claim 10, Paragraph 59
20	Claim 15
21	Claim 17, Paragraph 87
22	Paragraph 100
23	Claim 6, Paragraphs 23, 24 and 25
24	Claim 8, Paragraph 53
25	Claim 15
26	Claim 17, Paragraph 87
27	Paragraph 100
28	Claims 13, 14, Paragraphs 26 and 59
30	Claim 15
31	Claim 17, Paragraph 87
32	Paragraph 100

\*Reference is made to certified translation

Thus, the priority Japanese application JP11-374487 (374487/1999) adequately describes and enables the claimed subject matter of the present application, in accordance with the first paragraph of 35 U.S.C. §112. Thus, the present application is entitled to claim priority of Japanese application JP 11-374487 (314487/1999) that is, it is thus entitled to the filing date of the Japanese application under 35 U.S.C. §119. Consequently, the effective filing date of the present application is December 28, 1999, which is prior to the publication date of September 8, 2000 for Kyle. Inasmuch as the effective filing date of the present application is prior to the publication date of Kyle, the present application antedates Kyle. Thus, Kyle cannot be used as a reference to support a prior art rejection against the present application. Inasmuch as Kyle, et al. cannot be used in support of a '103 rejection, the rejection of claims under 35 U.S.C. §103, in Paragraphs 4-6 of the Office Action in which Kyle is cited is a reference against the present application are overcome for the reasons provided in the aforementioned Response dated July 26, 2002.

Thus, it is respectfully submitted that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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Certification

I, Boris Zhupanov, a professional translator and a president of BZ Trans Co. incorporated in the State of Ohio and having a legal address of 5097 Glenaire Drive, Dublin, OH 43017, hereby certify that the above translation is a true and correct rendition into English of Laid-open Japanese Patent Application No.2001-189296 to the best of my knowledge and belief.

Translator: Boris Zhupanov

Date: July 29, 2002



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